

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MICHEAL (SUSIE) HOFFMAN,  
MARGARETT ROUMAIN, GREGORY  
FRANK, VICTOR YUSTMAN, VICTORIA  
FELLOWS, MARIA DEGLAUVE, RON  
OZAKI, BERNHARD J. ORNELLAS,  
ERNEST HEWSON, DONNA LOUCKS,  
ROXANN MERLINI, and JO GAWLER,

Plaintiffs,

v.

UNITED AIRLINES, INC., UNITED  
AIRLINES 36-MONTH SUPPLEMENTAL  
BENEFIT PLAN, UNITED AIRLINES  
FRONTLINE VOLUNTARY SEPARATION  
PROGRAM (VSP2), UNITED AIRLINES  
FRONTLINE VOLUNTARY SEPARATION  
LEAVE (VSL) PROGRAM, UNITED  
AIRLINES CONSOLIDATED WELFARE  
BENEFIT PLAN, and UNITED AIRLINES  
RETIREE MEDICAL PROGRAM,

Defendants.

Consolidated  
Civil Action No. 1:21-cv-06395

Honorable Robert M. Dow, Jr.

**DEFENDANTS' MOTION TO DISMISS**

Defendants hereby move to dismiss the consolidated amended complaint (the “Complaint”) filed by Plaintiffs (ECF 42). For the reasons stated in the accompanying Memorandum of Law and supporting declaration, all claims against the Defendants should be dismissed in their entirety and with prejudice because under Rule 12(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs have failed to state a claim upon which relief can be granted.

WHEREFORE, Defendants respectfully request dismissal of the Complaint.

Dated: June 1, 2022

Respectfully Submitted,

/s/ Brian Boyle  
O'MELVENY & MYERS LLP  
Brian D. Boyle  
Shannon M. Barrett  
M. Tristan Morales  
1625 Eye Street, N.W.  
Washington, DC 20006-4001  
Telephone: (202) 383-5300  
bboyle@omm.com  
sbarrett@omm.com  
tmorales@omm.com

Larry S. Kaplan  
lkaplan@kmazuckert.com  
Marnie A. Holz  
mholz@kmazuckert.com  
KMA ZUCKERT LLC  
200 W. Madison Street, 16th Fl.  
Chicago, IL 60606  
Tel: (312) 345-3000  
Fax: (312) 345-3119

*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

The undersigned certifies that, on June 1, 2022, pursuant to Fed. R. Civ. P. 5 and LR 5.5, a true and correct copy of the foregoing Defendants' Motion to Dismiss was filed with the Clerk of Court using the CM/ECF System, which will send notification of such filing to the attorneys of record at the email addresses on file with the Court.

/s/ M. Tristan Morales  
M. Tristan Morales  
*Attorney for Defendants*